

Energy Policy Review Commission - Unofficial Minutes

Wednesday October 30, 2013

2:00pm – 5:00pm

Executive Office of Energy and Environmental Affairs

2nd Floor Conference Room C

Members in Attendance:

Sandra Merrick	AGO
Robert Calnan	Calnan's Energy Services
Tom Regh	Progressive Energy Services
Bob Rio	A.I.M
Elliott Jacobson	Action/Lean
Robert Kaufmann	Boston University

Others in Attendance:

Dan Burgess	EEA
Lauren Farrell	EEA
Jodi Hanover	Rich May, P.C.
Hinna Upal	EEA
Jessica Bardi	EEA
Andrew Goldberg	AGO
Christina Fischer	Office of Sen. Downing
Jerrold Oppenheim	LEAN
Rita Carvalho	Action Inc.
Sean Navin	EEA

Documents Discussed:

- Agenda
- Filing Letter
- Draft Report

Dan Burgess called the meeting to order at 2:07pm.

Introduction

Mr. Burgess welcomed the Commission members and meeting attendees and noted it was the last Commission meeting until 2017, as required by the statute. He reviewed the agenda for the meeting, noting the report is due on October-31 and today's meeting would be to finalize any edits on the report. Mr. Burgess also noted a filing letter, which is customary for reports, has been written and signed by the Secretary and will be submitted along with the report.

Mr. Regh noted the public comment period ended on Monday evening and he has not had a chance to read through all of the comments. He said he believes the Commission needs more time to discuss the comments and modify the report accordingly. Mr. Regh noted that many of the comments were directed at his positions in the appendix and he would like an opportunity to make revisions; suggesting a week's time and having the Commission meeting again. Mr. Burgess said the first public comment

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period was handled in the same manner as this second period. He noted that from the Chair's side, he is hesitant to extend the Commission any longer, as the Legislature has already done so. He said that most of the comments addressed the appendix and asked if Mr. Regh could submit his revisions tomorrow. Mr. Jacobson noted the appendix was set up as opinions from the Commission members; the public comments are also opinions. Mr. Rio asked what changes Mr. Regh felt he needs to make. Mr. Regh noted the first public comments mentioned issues on wind energy, hydro power, and trash to energy conversion, all of which were never addressed or discussed by the Commission. He continued that there are several things he would like to revise, in addition to what he has raised. Mr. Rio asked if Mr. Regh intended to respond to any criticism from the public comment or if he wanted to make changes to his appendix. Mr. Regh responded that he thinks it would be a bit of both but he hasn't formulated anything. He noted he sat down at 7am on Tuesday morning to start reading the public comments and feels the Commission has not addressed everything. He also noted that while he is not advocating holding more meetings, he believes the Commission is not giving the process due diligence. Professor Kaufmann said the Commission was charged with writing a report, not with writing an appendix, and asked if it would be possible to addend the appendix. He noted that in academics, there is a chance to respond to any comments or criticism. Mr. Rio said he would not like to split the report up as the appendix is the majority of it. Ms. Hanover asked if it would be strange to have public comments refer to things in the draft report that have since been changed. Mr. Burgess said he understands the situation, and there are some typos that do need to be addressed, but a good compromise would be extending the time that members could submit changes to their appendix by 4pm tomorrow so that the report can be filed on time. Mr. Rio agreed and that the October-31 deadline is what the Legislature granted the Commission and feels that going into next week will create problems. . Ms. Merrick asked if the second public comment period would appear as a link in the report as the first one was, Mr. Burgess agreed that it would. He then asked if the Commission had come to a decision regarding accepting changes by 4pm tomorrow. Mr. Rio asked Mr. Regh what changes he wanted to make. Mr. Regh replied that he wants to make changes to reflect the public comment. He said there were statements made regarding inaccurate and false data and he wants an opportunity to clarify. He said several comments impact the work that he has done and though he pulled his numbers directly from public sources, his credibility has been undermined. Mr. Burgess responded that the Commission is sympathetic to the situation but the deadline has already been pushed as it is; he asked if Mr. Regh could make a blanket statement. Mr. Jacobson said this situation is clearly a disagreement that cannot be solved and feels it is futile to spend hours editing when the statement has already been made. Mr. Regh noted that several comments were made about deleting his analysis from the report. Mr. Jacobson responded that no Commission members have said that; the public comments are opinions as are the positions of the members in the appendix. Ms. Merrick said that Mr. Regh's explanation will come out in the minutes. Mr. Regh responded that the minutes have not been voted on by the Commission. Mr. Rio said Mr. Regh should be able to make revisions but he should only address a few high points. Mr. Regh said he will have to finish the revisions by 4pm if that is what the Commission has decided. He noted that he is self employed and has work scheduled for tomorrow so he is in a jam but that is reality. The Commission then agreed that the report should be passed in on time and that appendix edits should be made by 4:00 PM on 10/31. Mr. Burgess noted the Commission can go through the final edits quickly for everyone so there is further time for individual edit. He asked all members to send any edits they may have to Ms. Farrell by 4pm tomorrow.

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Report Editing

Mr. Burgess said that Commission members should note any final edits they have as they review the draft.

The Commission reviewed the draft by each page. Members were allowed to make comments and edits throughout the process.

Next Steps

Mr. Burgess noted that the Attorney General's Office asked to remove their comments from the appendix and EEA has already done so. He said a position from the Secretary will also be added to the appendix. He noted the Commission has not done any voting to date and that any objections have been discussed until there was consensus. Ms. Merrick asked if the Commission is required to vote. Ms. Upal said the statute does not require a vote and the Commission did not draft any bi-laws so they can proceed as see fit and move forward in agreement. All Commission Members agreed.

Mr. Burgess said EEA will take the edits made in the meeting and apply them to the report. He asked for all members to let Ms. Farrell know if they intend to submit any last minute revisions, and to please send them over by 4pm on October-31. He thanked the Commission on behalf of the Secretary's Office for all of their hard work and noted that there have been more than 30 meetings and countless hours spent by all who have been a part of the Commission.. Ms. Carvalho noted that EEA should be thanked for their hard work as well. Mr. Rio said he knows the changes EEA made to the report were difficult but believes it is a good report and thanks EEA for their work. Professor Kaufmann asked if a hard or electronic copy would be delivered to the Legislature. Mr. Burgess said the report would be printed off and walked over to the State House tomorrow afternoon and then posted online.

The meeting adjourned at 3:20pm.